

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:
ANNA VISHEV
SCHULTE ROTH & ZABEL LLP
919 THIRD AVENUE
NEW YORK, NY 10022

PCT

REC'D 16 JUN 2005

WRITTEN OPINION
INTERNATIONAL SEARCHING AUTHORITY

PCT

(PCT Rule 43bis.1)

Date of mailing
(day/month/year)

14 JUN 2005

Applicant's or agent's file reference

051319-0199

FOR FURTHER ACTION

See paragraph 2 below

International application No.

PCT/US04/26748

International filing date (day/month/year)

17 August 2004 (17.08.2004)

Priority date (day/month/year)

09 February 2004 (09.02.2004)

International Patent Classification (IPC) or both national classification and IPC

IPC(7): F16C 32/06 and US Cl.: 384/100, 132

Applicant

NMB (USA), INC.

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☒ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/ US

Mail Stop PCT, Attn: ISA/US
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Facsimile No. (703) 305-3230

Authorized officer

Thomas R. Hannon

Telephone No. (571) 272-5350

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/US04/26748

Box No. I Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ This opinion has been established on the basis of a translation from the original language into the following language _____ which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).

2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

a. type of material

☐ a sequence listing

☐ table(s) related to the sequence listing

b. format of material

☐ in written format

☐ in computer readable form

c. time of filing/furnishing

☐ contained in international application as filed.

☐ filed together with the international application in computer readable form.

☐ furnished subsequently to this Authority for the purposes of search.

3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

WRITTEN OPINION OF THE
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International application No.
PCT/US04/26748

Box No. V Reasoned statement under Rule 43 *bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)

Claims 1-92 YES
Claims NONE NO

Inventive step (IS)

Claims 1-92 YES
Claims NONE NO

Industrial applicability (IA)

Claims 1-92 YES
Claims NONE NO

2. Citations and explanations:

Claims 1-92 meet the criteria set out in PCT Article 33(2)-(3), because the prior art does not teach or fairly suggest the combination including an annular member mounted on the shaft member corresponding to the capillary seal part, an annular member on the bearing member at a location corresponding to the capillary seal part, a taper or step formed on the inner and outer peripheries of the annular members, wherein the outer periphery surface and the annular member on the shaft member side and the inner periphery surface of the annular member on the bearing member side are arranged close to each other in the axial and radial directions to form the capillary seal part, and to prevent the rotating parts and the stationary parts from disengaging from each other.

Claims 1-92 meet the criteria set out in PCT Article 33(4), and thus have industrial applicability because the subject matter claimed can be made or used in industry.

**WRITTEN OPINION OF THE
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Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the questions whether the claims are fully supported by the description, are made:

Claims 5, 9, 15, 26, 32, 38, 54, and 79 are objected to under PCT Rule 66.2(a)(v) as lacking clarity under PCT Article 6 because the claims are indefinite for the following reason(s): Claims 5, 15, 26, and 38 each lack a proper antecedent for "said rotor". Claims 9, 32, 54, and 79 each lack a proper antecedent for "said cylindrical member".